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In re Application of:
TOWNLEY, CHARLES O.
Serial No. 10/758,455
Filed: Jan. 15, 2004
Docket: THUMB-604DIV

Title: MODULAR BASAL THUMB JOINT
IMPLANT

9/19/08

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed on Sep. 15, 2008 by which petitioner requests withdrawal of objection to the allowed claim 27 in the Office action of Aug. 2, 2007. This petition is being considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is **granted**.

In the Office action of Aug. 2, 2007, the examiner held that the allowed claim is substantially duplicate of allowed claim 38. Therefore, claim 27 was objected under MPEP 706.0(k). A comparison of claim 27 and claim 38 does not show these claims are substantially duplicate in any way. There are merely directed to different scopes of the claimed invention. After consulting with the examiner, it was agreed that the objection to allowed claim 27 should be withdrawn. Additionally, in finding petitioner's points of argument persuasive, the requested relief is granted. The objection to claim 27 on Aug. 2, 2007 Office action is hereby withdrawn. The requested relief is granted.

The application is being forwarded to Supervisory Patent Examiner of Art Unit 3738 for consideration of the pending appeal brief filed on Jun. 12, 2008. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.



Frederick R. Schmidt, Director
Technology Center 3700